IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3174 OF 2007 IN SUIT NO.1668/1986

Lature Brothers and Co. ...Plaintiff.
VS.
CIDCO and anr. ...Defendants.

Mr.A.S.Deshmukh i/by Lata Patne for the Plaintiff.
Mr.Avinash D. Kango for the Defendant No.2.

CORAM: A.S.OKA, J.
DATE : 21st September, 2007

P.C.

1. Heard learned counsel appearing for the plaintiff in support of the Notice of Motion. I have also heard the learned counsel for the second defendant who has opposed the Notice of Motion. The learned counsel for the plaintiff states that the first defendant is duly served with the Notice of Motion. I have perused the affidavit in support of the Notice of Motion. The reasons have been set out for absence of the plaintiff and their Advocate on 10th August, 2007. In view of the assertions made in the affidavit in support, a case for restoration of the suit is made out. Accordingly, Notice of Motion is made absolute in terms of prayer clause (a). Suit shall be set down for recording of evidence on 5th October,2007. It is made clear that no adjournment will be granted to the plaintiff on any ground. The Advocate on record for the plaintiff to intimate the first defendant of the date fixed for recording of evidence.

(A.S. OKA, J.)